

U.S.P.Q. 195, 197 (Fed. Cir. 1983)." Office Action at p. 2 (underlining added). However, a "single means claim" is "a claim drafted in 'means-plus-function' format yet reciting only a single element instead of a combination." In re Hyatt, supra, 708 F.2d at 713. In contrast, none of claims 17 to 36 are drafted in "means-plus-function" format, and, therefore, none of claims 17 to 36 constitute a "single means claim." Accordingly, it is respectfully submitted that the claims fully comply with the requirements of 35 U.S.C. § 112, and withdrawal of this rejection is therefore respectfully requested.

**III. REJECTION OF CLAIMS 1, 17
AND 36 UNDER 35 U.S.C. § 102(b)**

Claims 1, 17, and 36 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,129,496 ("Sigl"). Applicant respectfully submits that Sigl does not anticipate the present claims for the following reasons.

As described in the Specification, it may be difficult to detect a complete stop of a vehicle because vehicle speed sensors may be incapable of accurately measuring the speed of the vehicle below a certain speed threshold. However, the stop instant and/or stop distance may be estimated as a function of certain vehicle parameters. For example, claim 1 recites a method for detecting the complete stop of a vehicle "as a function of . . . braking force . . . and . . . one of the vehicle's speed and the speed of at least one of the vehicle's wheels." Claim 17 recites the step of "detecting the complete stop as a function of one quantity representing a braking force when the vehicle is braked and as a function of one of a vehicle speed and a speed of at least one vehicle wheel." Moreover, claim 36 recites "an arrangement configured to detect a complete stop of a vehicle as a function of a quantity that represents a braking force when the vehicle is braked and as a function of one of a vehicle speed and a speed of at least one vehicle wheel."

In contrast, Sigl purportedly concerns an automatic locking brake for a vehicle, in which brake pressure is

increased if the brake pedal is operated and the speed of the vehicle falls below a variable threshold. (See, Sigl, Abstract). According to Sigl, the variable speed threshold is set in accordance with the deceleration of the vehicle, so that the threshold increases as the deceleration increases. (See, Sigl, col. 1, lines 24-27). If the speed of the vehicle falls below the variable threshold, the brake pressure is increased in a pulsed manner, pauses between the pulsed increases of brake pressure being determined solely as a function of the deceleration of the vehicle and a constant. (See, Sigl, col. 3, lines 3-14).

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). As more fully set forth above, it is respectfully submitted that Sigl does not disclose, or even suggest, "the complete stop being detected as a function of one quantity representing braking force when the vehicle is braked and as a function of one of the vehicle's speed and the speed of at least one of the vehicle's wheels" as recited in claim 1. The Office Action does not even allege that Sigl discloses, or even suggests, this feature of claim 1. Moreover, it is respectfully submitted that Sigl does not disclose, or even suggest, the step of "detecting the complete stop as a function of one quantity representing a braking force when the vehicle is braked and as a function of one of a vehicle speed and a speed of at least one vehicle wheel" as recited in claim 17. The Office Action does not even allege that Sigl discloses, or even suggests, this feature of claim 17. In addition, it is respectfully submitted that Sigl does not disclose, or even suggest, "an arrangement configured to detect

a complete stop of a vehicle as a function of a quantity that represents a braking force when the vehicle is braked and as a function of one of a vehicle speed and a speed of at least one vehicle wheel" as recited in claim 36. The Office Action does not even allege that Sigl discloses, or even suggests, this feature of claim 36. Accordingly, it is respectfully submitted that Sigl does not anticipate claims 1, 17 and 36.

Additionally, to reject a claim under 35 U.S.C. § 102, the Examiner must demonstrate that each and every claim limitation is contained in a single prior art reference. See, Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). As more fully set forth above, the Office Action does not even allege that Sigl discloses, or even suggests, the "the complete stop being detected as a function of one quantity representing braking force when the vehicle is braked and as a function of one of the vehicle's speed and the speed of at least one of the vehicle's wheels" as recited in claim 1, the step of "detecting the complete stop as a function of one quantity representing a braking force when the vehicle is braked and as a function of one of a vehicle speed and a speed of at least one vehicle wheel" as recited in claim 17 or the "arrangement configured to detect a complete stop of a vehicle as a function of a quantity that represents a braking force when the vehicle is braked and as a function of one of a vehicle speed and a speed of at least one vehicle wheel" as recited in claim 36. Still further, not only must each of the claim limitations be identically disclosed, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the inventions of the rejected claims, as discussed above. See, Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). In particular, it is respectfully submitted that, at least for the reasons discussed above, the reference relied upon would not enable a person having ordinary skill in the art to practice the inventions of the rejected claims, as discussed above. Also, to the extent that the Examiner is relying on the doctrine of inherency, the Examiner

must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flows from the teachings of the applied art." See M.P.E.P. § 2112; emphasis in original; and see, Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic. Accordingly, the anticipation rejection as to the rejected claims must necessarily fail for the foregoing reasons.

In summary, it is respectfully submitted that Ito does not anticipate claims 1, 17 and 36.

IV. REJECTION OF CLAIMS 2 TO 16 AND 18 TO 35 UNDER 35 U.S.C. § 103(a)

Claims 2 to 16 and 18 to 35 were rejected under 35 U.S.C. § 103(a) as unpatentable over Sigl in view of United Kingdom Published Patent Application No. 2 297 619 ("GB '619"). Applicant respectfully submits that the combination of Sigl and GB '619 does not render obvious the present claims for the following reasons.

As regards GB '619, this reference purportedly concerns a method of predicting vehicle standstill, in which a time point for a stationary state of a vehicle is estimated as a function of speed measurements of at least one wheel and a minimum speed threshold. (See, GB '619, Abstract). For this purpose, GB '619 forms speed gradients between identified speed values and extrapolates these gradients to a zero speed at which the vehicle becomes stationary. (See, GB '619, page 3, lines 2-9).

To establish prima facie obviousness of a claim, inter alia, a combination of prior art references must disclose each and every element of the claims. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991). Applying this standard to the present application, it is respectfully submitted that the combination

of Sigl and GB '619 does not disclose each and every element of claims 2 to 16 and 18 to 35.

GB '619 determines the zero point solely on the basis of two vehicle parameters -- a minimum threshold and the speed of at least one wheel. GB '619 simply does not determine the zero speed "as a function of . . . braking force," as recited in claim 1.

Furthermore, as stated above, Sigl does not detect the complete stop of a vehicle, much less detect the complete stop of a vehicle "as a function of . . . braking force" as recited in claim 1.

Since neither Sigl nor GB '619 disclose detecting a complete stop of a vehicle as a function of braking force, these references, whether considered individually or in combination, simply do not disclose each and every element of claim 1. Therefore, it is respectfully submitted that claims 2 to 15, which ultimately depend from claim 1 and therefore include all of the limitations of claim 1, are not obvious over Sigl in view of GB '619. Furthermore, since claim 16 includes limitations analogous to those of claim 1, it is respectfully submitted that claim 16 is not obvious over Sigl in view of GB '619 for at least the same reasons. Moreover, since claims 18 to 35 ultimately depend from claim 17 and therefore include all of the limitations of claim 17, it is respectfully submitted that the combination of Sigl and GB '619 does not render obvious these dependent claims for at least the same reasons given above.

Accordingly, it is respectfully requested that the rejection of claims 2 to 16 and 18 to 35 under 35 U.S.C. § 103(a) be withdrawn.

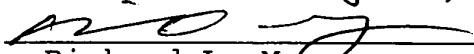
V. CONCLUSION

Applicant respectfully submits that the present invention is new, non-obvious, and useful. Prompt consideration and allowance of pending claims 1 to 36 are respectfully requested.

Respectfully submitted,

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